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File No. : 386061

MEMORANDUM FOR THE MINISTER

GUN SHOWS REGULATIONS - OPTIONS

(Decision Sought)

ISSUE

Options for proceeding with the current *Gun Shows Regulations* (the regulations).

BACKGROUND

In Canada, there are approximately 300 gun shows held annually. While general provisions exist under the *Firearms Act* (the Act) which relate to storage and display requirements, there are no regulations currently in force specific to the temporary display of firearms at gun shows.

Originally developed and laid before each House of Parliament in 1998, but not brought into force, the *Gun Shows Regulations* outline requirements for individuals and businesses wishing to sponsor and participate in gun shows. Essentially, the regulations: i) require the sponsor to secure the approval of the Chief Firearms Officer (CFO) and notify local law enforcement prior to an event; ii) require the sponsor to ensure the security of the location and firearms therein, and that the gun show will not endanger the safety of any person; and, iii) require exhibitors to ensure the security of his or her table or booth and the firearms therein.

Law enforcement is generally in favour of implementing the regulations, as they would help ensure that firearms are properly secured and displayed at gun shows.

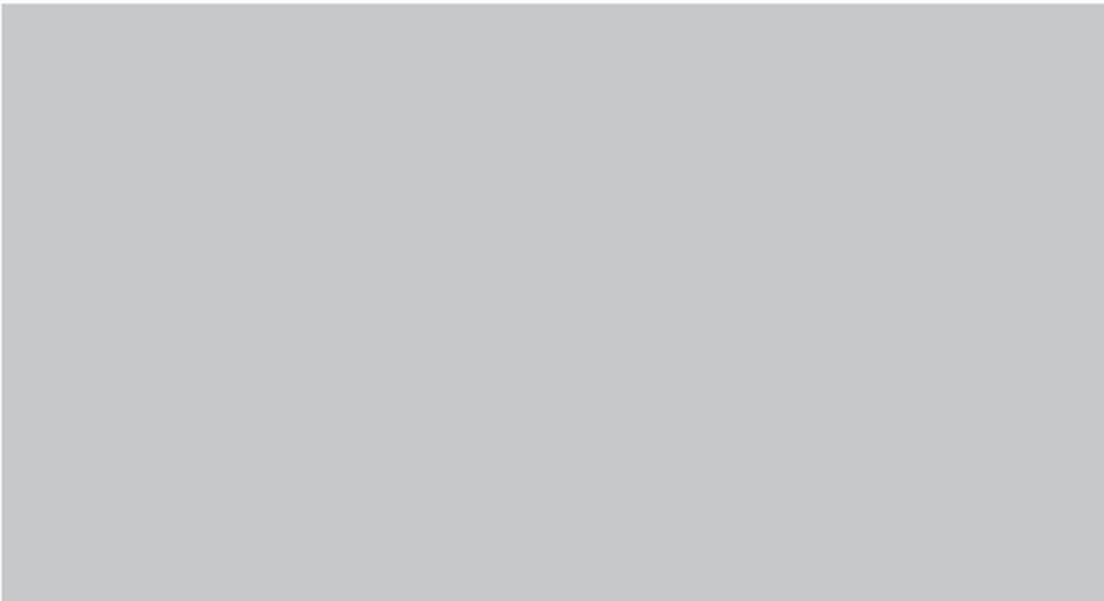
Firearms advocates have expressed concern that the regulation of gun shows is unnecessary as the majority of gun show sponsors and exhibitors generally meet safety requirements set out in the *Gun Show Regulations*. Firearms advocates are also concerned that the CFO's discretionary powers under the regulations are too broad.

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Between 1998 and 2008, the *Gun Show Regulations* were deferred on nine occasions for such reasons as reducing the administrative burden for individuals and sponsors participating in gun shows and allowing government officials to review the appropriateness of the proposed standards for those wishing to sponsor a gun show.

In 2010, the regulations were deferred for a 10th time, until November 2012, to allow officials time to consult with stakeholders and determine the need for and the content of the regulations. Possible amendments to be considered include requiring sponsors to inform as supposed to secure the approval of the CFO.

CONSIDERATIONS



In the absence of the *Gun Show Regulations*, the regulations prescribing storage and display requirements under the Act apply. These regulations, among other things, require that businesses either ensure that their premises have both an electronic security alarm and locks on all windows and doors or, alternatively, have security measures in place that are approved, in writing, by the CFO. In the context of a gun show, each participating business would be required to ensure premise security, including, at times, obtaining written CFO approval.

The *Gun Show Regulations* relieve the administrative burden that would be placed on businesses participating in a gun show by allow a sponsor to obtain universal CFO approval of the proposed security measures for a gun show location.

In the absence of the *Gun Show Regulations*, the business regulations would also require all firearms on display to be secured to either a permanent structure or a wall. The *Gun Show Regulations* reduce the security requirements for exhibitors by allowing firearms to be attached to the structure or table on which they are displayed.

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s.21(1)(a)
s.21(1)(b)
s.21(1)(c)

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In the absence of the *Gun Show Regulations*, there is limited monitoring or tracking of public safety incidents associated with gun shows. However, the RCMP has received anecdotal reports of unsafe storage and has recorded one incident where the activities at a gun show could have endangered public safety (guns were not securely fastened to the display tables).

The CFO community has noted unsafe display of firearms across the country. CFOs have also noted incidents where exhibitors were criminally charged in relation to the trafficking and unauthorized possession of firearms at gun shows.

From a risk management perspective, gun shows are not a significant public safety concern. However, this could change in the future and, should a significant incident occur, there could be criticism that the regulations were not implemented.

Section 118 of the *Firearms Act* requires the Minister of Public Safety to lay proposed amendments to regulations before each House of Parliament for consideration if the amendments are material or substantial. Should the government decide to either repeal or amend the *Gun Show Regulations*, the coming into force date of the legislation may need to be deferred again in order to allow both the House and Senate to adequately examine the repeal or amendment legislation.

CURRENT STATUS

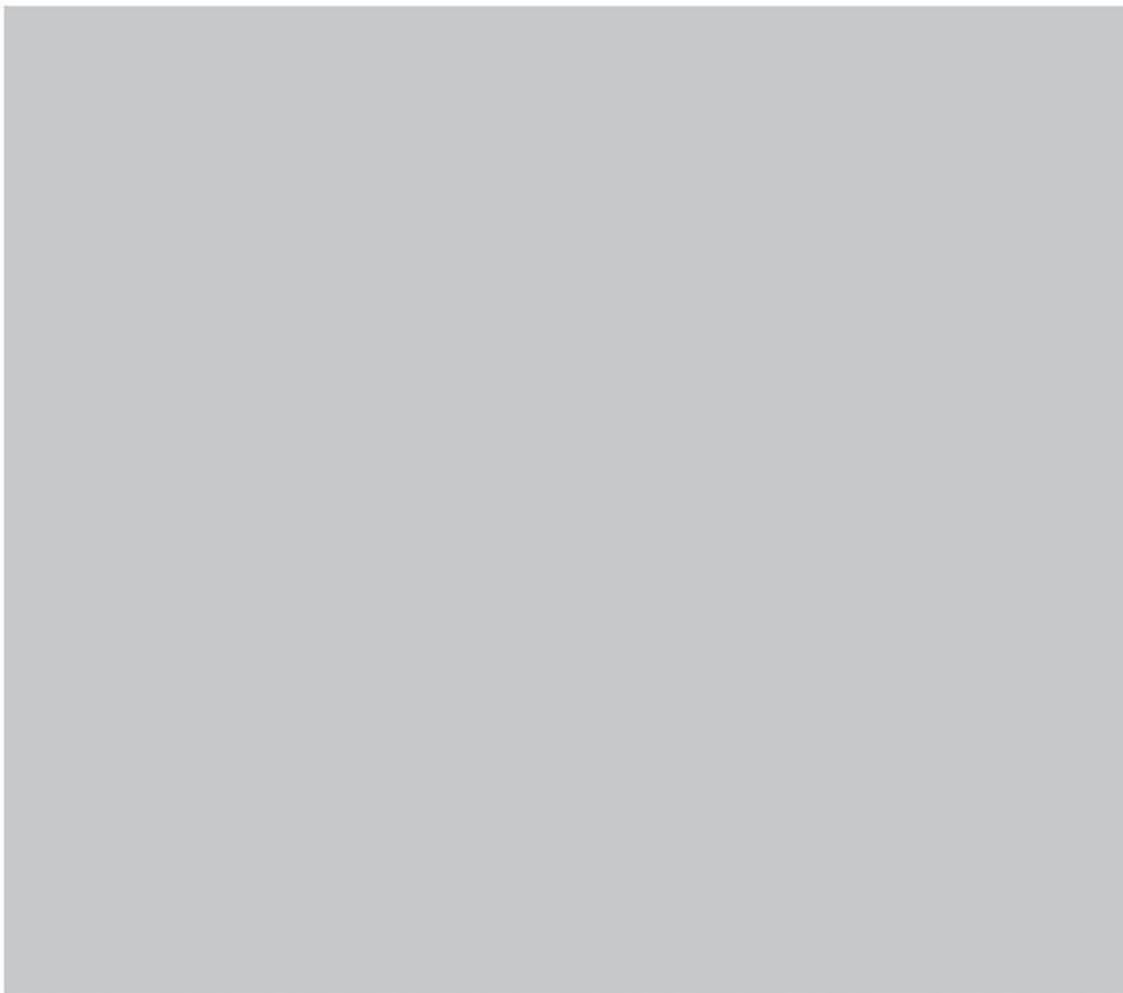
In moving forward, various options are available, including:

[REDACTED]

Should the government take no action, the current *Gun Show Regulations* will automatically come into force on November 30, 2012.

[REDACTED]

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In lieu of the *Gun Show Regulations*, the business and individual storage and display regulations currently in force under the Act would apply. Such requirements would prove to be administratively burdensome and impractical for exhibitors at gun shows.



s.21(1)(a)
s.21(1)(b)
s.21(1)(c)
s.23

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In lieu of the *Gun Show Regulations*, gun show exhibitors would continue to be required to abide by the businesses and individuals regulations currently in force under the Act. This would require businesses to take on the administrative burden of ensuring the security of the gun show premises. In addition, businesses would be required to secure their firearms in accordance with these regulations, which would prove impractical in the context of a gun show.

NEXT STEPS

An early decision from the Minister as to which option the Government would wish to pursue, will permit Public Safety to take action to implement that option well in

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advance of the coming into force date of the regulations on November 30, 2012.

Should you require additional information, please do not hesitate to contact me or Mr. Richard Wex, Assistant Deputy Minister, Law Enforcement and Policing Branch, at 613-990-2703.

William V. Baker

Enclosures:

I approve:

Vic Toews, P.C., Q.C., M.P.

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DATE:

File No.: 385813
RDIMS No.: 563356

s.19(1)

MEMORANDUM FOR THE MINISTER

CANADIAN FIREARMS ADVISORY COMMITTEE

(Signature Required)

ISSUE

Appointment of three new members to the Canadian Firearms Advisory Committee (CFAC).

BACKGROUND

Under the authority provided for in section 6 of the *Department of Public Safety and Emergency Preparedness Act*, you are empowered to establish advisory and other committees and provide for their membership, duties, functions, and operation. The committees serve at your pleasure, and you may at any time:

- extend the service of members of a Committee;
- disband and re-appoint new members to a Committee; or
- disband a Committee.

The Canadian Firearms Advisory Committee (CFAC) was established in July 2006 to provide advice to the Minister of Public Safety on the reform of Canada's firearms laws and regulations (Committee Terms of Reference at **TAB A**).

While the Terms of Reference provide for up to fifteen members, the Committee was originally comprised of 13 individuals appointed for a two-year term, ending July 2008. Twelve of the original members were renewed for a subsequent two-year term ending in August 2010, [REDACTED] The same twelve members were renewed again for a one-year term, ending in July 2011. With the exception of one

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